

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

VICTORIA'S PLATINUM PROPERTIES,
LLC

Plaintiff,

v.

CERTAIN UNDERWRITER'S AT
LLOYD'S LONDON and VEARL
WOLVERTON

Defendants

Civil Action No. 6:19-cv-00007

JOINT STATUS REPORT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, VICTORIA'S PLATINUM PROPERTIES, LLC., and Defendants, CERTAIN UNDERWRITERS SUBSCRIBING TO POLICY NUMBER BCL00092 and VEARL WOLVERTON (hereinafter collectively referred to as "the Parties"), in the above entitled and numbered cause, and pursuant to the Court's Oral Order of April 5, 2022, file this Joint Status Report and would respectfully show unto this Honorable Court as follows:

I. BACKGROUND

1. This lawsuit arises out of a dispute over an insurance claim made by Plaintiff, Victoria's Platinum Properties, LLC, ("Plaintiff") for damages allegedly caused by Hurricane Harvey. More specifically, Certain Underwriters at Lloyd's, London Subscribing to Policy No. BCL00092 ("Underwriters") issued a Commercial Property Policy to Victoria Platinum Properties LLC; Platinum Home Investments LLC; and Kimberlite Homes, LLC.

Policy No. BCL00092 provided Lessors Risk coverage pursuant to certain terms and conditions for sixty-one (61) premises from October 21, 2016 to October 21, 2017 ("the Policy"). After Harvey, Plaintiff made claims on fifty-one (51) of the sixty-one (61) premises insured under the Policy.

2. On December 13, 2018, Plaintiff filed suit in Texas state court against Underwriters and independent adjuster, Vearl Wolverton. Plaintiff alleged causes of action for breach of contract, unfair settlement practices in violation of section 541 and failure to promptly pay claims in violation of section 542 of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and breach of the duty of good faith and fair dealing against Underwriters. Underwriters then removed the lawsuit to federal court on the basis of diversity and amount in controversy.

3. The Parties exchanged written discovery and mediated the case on January 27, 2020. Although the mediation was unsuccessful, the Parties thereafter agreed to enter into the appraisal process for approximately 40 of the premises at issue.

4. This matter was abated by the Court on July 8, 2021, to allow the Parties time to complete the appraisal process. The appraisal process was completed on or about February 23, 2022.

II.
STATUS REPORT

5. As anticipated, the appraisal process took a significant amount of time due to the number of properties involved. The appraisers could not reach an agreement and had to submit their disputes to the Umpire. The Umpire issued appraisal awards on forty (40) premises on or about February 23, 2022 ("the Appraisal Awards").

6. The Parties have evaluated the Appraisal Awards as well as information to

address the premises and other damages that were not part of the appraisal process.

7. The Parties are scheduled to mediate this matter on June 17, 2022 with mediator Donald R. Philbin. Mediation, at a minimum, will likely reduce the issues and claims that may need to be tried, if not resolve them all. Therefore, the Parties request that the case remain abated until mediation is completed.

II.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants pray that this Court accept the Joint Status Report, retain this matter on the docket, and other and further relief, both at law and in equity, to which they are justly entitled.

Respectfully submitted,

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By:/s/ Wes Holland (with permission)

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LONDON SUBSCRIBING TO POLICY NO.
BCL00092 AND VEARL WOLVERTON**

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of May, 2022, a true and correct copy of the above and foregoing has been served by:

certified mail, return receipt requested; overnight delivery; hand delivery; United States first class mail; facsimile transmission; electronic transmission on the following counsel:

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